

EXHIBIT 1

**THE SCOTTS COMPANY
JOB DESCRIPTION**

Job Title: Sales Merchandising Manager	Date: June 5, 2000
Department: Field Sales	Band: D
Division: North American Sales	Track: Indiv. Contrib.
Title of Supervisor: District Manager	FLSA Status: <input checked="" type="checkbox"/>X ___N

General Summary

Responsible for store level product orders to maximize sales and move-through for assigned Scotts product lines and account stores. Provides store employee training, assistance with store sets, consumer counseling and other account and store assignments as assigned by the District Manager or Regional Sales Director.

Key Work Performed

	<u>% of Time</u>
Takes current inventories and sells product to fill plan-o-grammed shelf space. Sells off-shelf displays and product to fill them. Enters orders and/or prepares recommended orders for store or department managers	60%
Plans and directs merchandiser assignments for assigned Scotts products to include restocking shelves, racks and displays, cleaning and facing product, repairing or removing damaged items, etc.	15%
Develops store level seasonal shelf set and inventory display plan to meet current and historical trends, ad schedules, etc. for all assigned Scotts product lines.	10%
Sells use of Scotts point of purchase materials and installs and maintains them.	5%
Completes all required reports and administrative tasks in a timely and accurate manner	5%
Administers product knowledge and training for store employees and the weekend consumer counseling sessions.	5%

Complexity

A. Most difficult or most complex task or project performed by the jobholder:

Understanding the ordering procedures for the various Scotts product lines and distribution channels for segments of product lines as they apply to each account, understanding each account's ad schedules and promotional programs and implementing orders at the store level.

Approximate time necessary to complete this task or project from start to completion:

A complete sales year is required to see how this changes for different products during the year and to learn how to implement orders through relationships with each store/department manager.

B. Degree to which responsibilities require original thinking (provide examples of activities):

The situation in each account and at each store requires a little different approach to selling reorders, displays and use of POP depending on relationships formed with key store employees and their mode of operation.

Supervision Exercised

A. Number and titles of positions directly supervised:

- Merchandisers, Temporary & Part-Time (0 – 10)

B. Number and titles of positions indirectly supervised:

- Weekend Counselors (0 – 10)

Minimum Requirements

A. Education:

- College degree or equivalent practical experience in the field of Business and/or Marketing

B. Experience:

- Two years experience selling consumer products, inventory, and/or promotional displays to retail chain store and department managers.
- Supervisory experience strongly preferred.

C. Knowledge:

- A thorough understanding of the sales and marketing sector and the role of sales and merchandising in our retail outlets.

- Knowledge of processes to prioritize a workload within a fast-paced, high priority environment.

D. Skills and Abilities:

- Excellent verbal and written communication and presentation skills.
- Strong computer skills.
- Ability to handle conflict.
- Strong analytical, creative thinking, and accounting skills.
- Ability to lift 60 lbs.
- Ability to regularly travel overnight by automobile or airline.

Signatures

Immediate Supervisor: _____ Date: _____

Next Level Supervisor: _____ Date: _____

Human Resources: _____ Date: _____



The New York Bariatric Group

3003 New Hyde Park Rd. Suite 307, New Hyde Park, NY 11042

Phone (516) 616-5500 Fax (516) 616-5533

Shawn M. Garber, MD, FACS

Spencer A. Holover, MD

The Scotts Company
Attention: Mr. Patrick McGarr, DM

To Whom It May Concern:

Maria Jackson has been under my care since July 30, 2001. On February 11, 2002 she underwent Laparoscopic Gastric Bypass surgery. She later developed a hernia that became imperative to repair due to the risk of many post operative complications that could arise. Ms. Jackson was originally scheduled for the hernia surgery in March 2003. However, due to her employer's restrictions, her job would not allow her the time needed for the surgery nor recovery period. Maria Jackson finally underwent her scheduled procedure on June 11, 2003.

Maria Jackson could have suffered major post operative complications from postponing her original surgery date back in March of 2003. I explained to her how serious this condition could worsen if not cared for immediately. Ms. Jackson's employer should have granted her the time off necessary to deal with her medical problems promptly.

If you have any questions regarding this matter please feel free to call me.

Thank you,

A handwritten signature in black ink, appearing to read 'Shawn M. Garber', written in a cursive style.

Dr. Shawn M. Garber, F.A.C.S.

SHAWN M. GARBER, M.D., F.A.C.S.
LONG ISLAND MINIMALLY INVASIVE SURGERY, PC
3003 New Hyde Park Road, Suite 307
New Hyde Park, New York 11042
Telephone: (516) 616-5500
Fax: (516) 616-5533

April 20, 2004

The Scotts Company
Attention: Mr. Patrick McGarr, DM

Re: Maria Jackson

To Whom It May Concern:

This letter is to confirm that Mrs. Maria Jackson is under my care. She underwent a hernia repair in June of 2003. She has an increased risk for a recurrent hernia and has been advised to refrain from any type of lifting. Down stocking boxes of 75+ pounds is unacceptable.

I thank you in advance for your attention to this matter.

Sincerely,



Shawn M. Garber, MD

EXHIBIT 1

**THE SCOTTS COMPANY
JOB DESCRIPTION**

Job Title: Sales Merchandising Manager	Date: June 5, 2000
Department: Field Sales	Band: D
Division: North American Sales	Track: Indiv. Contrib.
Title of Supervisor: District Manager	FLSA Status: <input checked="" type="checkbox"/>X <input type="checkbox"/>N

General Summary

Responsible for store level product orders to maximize sales and move-through for assigned Scotts product lines and account stores. Provides store employee training, assistance with store sets, consumer counseling and other account and store assignments as assigned by the District Manager or Regional Sales Director.

Key Work Performed

	<u>% of Time</u>
Takes current inventories and sells product to fill plan-o-grammed shelf space. Sells off-shelf displays and product to fill them. Enters orders and/or prepares recommended orders for store or department managers	60%
Plans and directs merchandiser assignments for assigned Scotts products to include restocking shelves, racks and displays, cleaning and facing product, repairing or removing damaged items, etc.	15%
Develops store level seasonal shelf set and inventory display plan to meet current and historical trends, ad schedules, etc. for all assigned Scotts product lines.	10%
Sells use of Scotts point of purchase materials and installs and maintains them.	5%
Completes all required reports and administrative tasks in a timely and accurate manner	5%
Administers product knowledge and training for store employees and the weekend consumer counseling sessions.	5%

Complexity

A. Most difficult or most complex task or project performed by the jobholder:

Understanding the ordering procedures for the various Scotts product lines and distribution channels for segments of product lines as they apply to each account, understanding each account's ad schedules and promotional programs and implementing orders at the store level.

Approximate time necessary to complete this task or project from start to completion:

A complete sales year is required to see how this changes for different products during the year and to learn how to implement orders through relationships with each store/department manager.

B. Degree to which responsibilities require original thinking (provide examples of activities):

The situation in each account and at each store requires a little different approach to selling reorders, displays and use of POP depending on relationships formed with key store employees and their mode of operation.

Supervision Exercised

A. Number and titles of positions directly supervised:

- Merchandisers, Temporary & Part-Time (0 – 10)

B. Number and titles of positions indirectly supervised:

- Weekend Counselors (0 – 10)

Minimum Requirements

A. Education:

- College degree or equivalent practical experience in the field of Business and/or Marketing

B. Experience:

- Two years experience selling consumer products, inventory, and/or promotional displays to retail chain store and department managers.
- Supervisory experience strongly preferred.

C. Knowledge:

- A thorough understanding of the sales and marketing sector and the role of sales and merchandising in our retail outlets.

- Knowledge of processes to prioritize a workload within a fast-paced, high priority environment.

D. Skills and Abilities:

- Excellent verbal and written communication and presentation skills.
- Strong computer skills.
- Ability to handle conflict.
- Strong analytical, creative thinking, and accounting skills.
- Ability to lift 60 lbs.
- Ability to regularly travel overnight by automobile or airline.

Signatures

Immediate Supervisor: _____ Date: _____

Next Level Supervisor: _____ Date: _____

Human Resources: _____ Date: _____